



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0306

by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.64a-5

Amends the School Code. With respect to the administration of State assessments, provides that a student is not required to take a particular State assessment if that student's parent or guardian requests, in writing, that the student be excused from taking the State assessment. Requires the State Board of Education, by rule, to (i) determine the form of the request, (ii) ensure that no student, teacher, school, or school district is negatively impacted, through grades or evaluations, due to a student being excused from taking a State assessment, and (iii) ensure that students who are excused from taking a State assessment are offered supervised instructional or enrichment opportunities during the time the State assessment is being administered. Effective immediately.

LRB099 00235 NHT 20240 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 2-3.64a-5 as follows:

6 (105 ILCS 5/2-3.64a-5)

7 Sec. 2-3.64a-5. State goals and assessment.

8 (a) For the assessment and accountability purposes of this
9 Section, "students" includes those students enrolled in a
10 public or State-operated elementary school, secondary school,
11 or cooperative or joint agreement with a governing body or
12 board of control, a charter school operating in compliance with
13 the Charter Schools Law, a school operated by a regional office
14 of education under Section 13A-3 of this Code, or a public
15 school administered by a local public agency or the Department
16 of Human Services.

17 (b) The State Board of Education shall establish the
18 academic standards that are to be applicable to students who
19 are subject to State assessments under this Section. The State
20 Board of Education shall not establish any such standards in
21 final form without first providing opportunities for public
22 participation and local input in the development of the final
23 academic standards. Those opportunities shall include a

1 well-publicized period of public comment and opportunities to
2 file written comments.

3 (c) Beginning no later than the 2014-2015 school year, the
4 State Board of Education shall annually assess all students
5 enrolled in grades 3 through 8 in English language arts and
6 mathematics.

7 Beginning no later than the 2017-2018 school year, the
8 State Board of Education shall annually assess all students in
9 science at one grade in grades 3 through 5, at one grade in
10 grades 6 through 8, and at one grade in grades 9 through 12.

11 The State Board of Education shall annually assess schools
12 that operate a secondary education program, as defined in
13 Section 22-22 of this Code, in English language arts and
14 mathematics. The State Board of Education shall administer no
15 more than 3 assessments, per student, of English language arts
16 and mathematics for students in a secondary education program.
17 One of these assessments shall include a college and career
18 ready determination.

19 Students who are not assessed for college and career ready
20 determinations may not receive a regular high school diploma
21 unless the student is excused from taking a State assessment
22 under subsection (c-5) of this Section or the student is
23 exempted from taking State assessments under subsection (d) of
24 this Section because (i) the student's individualized
25 educational program developed under Article 14 of this Code
26 identifies the State assessment as inappropriate for the

1 student, (ii) the student is enrolled in a program of adult and
2 continuing education, as defined in the Adult Education Act,
3 (iii) the school district is not required to assess the
4 individual student for purposes of accountability under
5 federal No Child Left Behind Act of 2001 requirements, (iv) the
6 student has been determined to be an English language learner,
7 referred to in this Code as a student with limited English
8 proficiency, and has been enrolled in schools in the United
9 States for less than 12 months, or (v) the student is otherwise
10 identified by the State Board of Education, through rules, as
11 being exempt from the assessment.

12 The State Board of Education shall not assess students
13 under this Section in subjects not required by this Section.

14 Districts shall inform their students of the timelines and
15 procedures applicable to their participation in every yearly
16 administration of the State assessments. The State Board of
17 Education shall establish periods of time in each school year
18 during which State assessments shall occur to meet the
19 objectives of this Section.

20 (c-5) A student is not required to take a particular State
21 assessment under this Section if that student's parent or
22 guardian requests, in writing, that the student be excused from
23 taking the State assessment. The State Board of Education
24 shall, by rule, (i) determine the form of the request; (ii)
25 ensure that no student, teacher, school, or school district is
26 negatively impacted, through grades or evaluations, due to a

1 student being excused from taking a State assessment; and (iii)
2 ensure that students who are excused from taking a State
3 assessment are offered supervised instructional or enrichment
4 opportunities during the time the State assessment is being
5 administered.

6 (d) Every individualized educational program as described
7 in Article 14 shall identify if the State assessment or
8 components thereof are appropriate for the student. The State
9 Board of Education shall develop rules governing the
10 administration of an alternate assessment that may be available
11 to students for whom participation in this State's regular
12 assessments is not appropriate, even with accommodations as
13 allowed under this Section.

14 Students receiving special education services whose
15 individualized educational programs identify them as eligible
16 for the alternative State assessments nevertheless shall have
17 the option of taking this State's regular assessment that
18 includes a college and career ready determination, which shall
19 be administered in accordance with the eligible accommodations
20 appropriate for meeting these students' respective needs.

21 All students determined to be an English language learner,
22 referred to in this Code as a student with limited English
23 proficiency, shall participate in the State assessments,
24 excepting those students who have been enrolled in schools in
25 the United States for less than 12 months. Such students may be
26 exempted from participation in one annual administration of the

1 English language arts assessment. Any student determined to be
2 an English language learner, referred to in this Code as a
3 student with limited English proficiency, shall receive
4 appropriate assessment accommodations, including language
5 supports, which shall be established by rule. Approved
6 assessment accommodations must be provided until the student's
7 English language skills develop to the extent that the student
8 is no longer considered to be an English language learner,
9 referred to in this Code as a student with limited English
10 proficiency, as demonstrated through a State-identified
11 English language proficiency assessment.

12 (e) The results or scores of each assessment taken under
13 this Section shall be made available to the parents of each
14 student.

15 In each school year, the scores attained by a student on
16 the State assessment that includes a college and career ready
17 determination must be placed in the student's permanent record
18 and must be entered on the student's transcript pursuant to
19 rules that the State Board of Education shall adopt for that
20 purpose in accordance with Section 3 of the Illinois School
21 Student Records Act. In each school year, the scores attained
22 by a student on the State assessments administered in grades 3
23 through 8 must be placed in the student's temporary record.

24 (f) All schools shall administer an academic assessment of
25 English language proficiency in oral language (listening and
26 speaking) and reading and writing skills to all children

1 determined to be English language learners, referred to in
2 Section 14C-3 of this Code as children with limited
3 English-speaking ability.

4 (g) All schools in this State that are part of the sample
5 drawn by the National Center for Education Statistics, in
6 collaboration with their school districts and the State Board
7 of Education, shall administer the biennial academic
8 assessments under the National Assessment of Educational
9 Progress carried out under Section 411(b)(2) of the federal
10 National Education Statistics Act of 1994 (20 U.S.C. 9010) if
11 the U.S. Secretary of Education pays the costs of administering
12 the assessments.

13 (h) Subject to available funds to this State for the
14 purpose of student assessment, the State Board of Education
15 shall provide additional assessments and assessment resources
16 that may be used by school districts for local assessment
17 purposes. The State Board of Education shall annually
18 distribute a listing of these additional resources.

19 (i) For the purposes of this subsection (i), "academically
20 based assessments" means assessments consisting of questions
21 and answers that are measurable and quantifiable to measure the
22 knowledge, skills, and ability of students in the subject
23 matters covered by the assessments. All assessments
24 administered pursuant to this Section must be academically
25 based assessments. The scoring of academically based
26 assessments shall be reliable, valid, and fair and shall meet

1 the guidelines for assessment development and use prescribed by
2 the American Psychological Association, the National Council
3 on Measurement in Education, and the American Educational
4 Research Association.

5 The State Board of Education shall review the use of all
6 assessment item types in order to ensure that they are valid
7 and reliable indicators of student performance aligned to the
8 learning standards being assessed and that the development,
9 administration, and scoring of these item types are justifiable
10 in terms of cost.

11 (j) The State Superintendent of Education shall appoint a
12 committee of no more than 21 members, consisting of parents,
13 teachers, school administrators, school board members,
14 assessment experts, regional superintendents of schools, and
15 citizens, to review the State assessments administered by the
16 State Board of Education. The Committee shall select one of its
17 members as its chairperson. The Committee shall meet on an
18 ongoing basis to review the content and design of the
19 assessments (including whether the requirements of subsection
20 (i) of this Section have been met), the time and money expended
21 at the local and State levels to prepare for and administer the
22 assessments, the collective results of the assessments as
23 measured against the stated purpose of assessing student
24 performance, and other issues involving the assessments
25 identified by the Committee. The Committee shall make periodic
26 recommendations to the State Superintendent of Education and

1 the General Assembly concerning the assessments.

2 (k) The State Board of Education may adopt rules to
3 implement this Section.

4 (Source: P.A. 98-972, eff. 8-15-14.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.